

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 13, 1967

Appeal No. 9367 Joseph R. Sipper, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. William S. Harps dissenting, the following Order was entered at the meeting of the Board on September 19, 1967.

ORDERED:

That the appeal for variance from use provisions of the R-3 District to permit structural alterations to nonconforming apartment building at 2900-08 Q Street, NW., lot 273, square 1268, be denied.

FINDINGS OF FACTS:

- [1] The subject property is located in an R-3 District.
- [2] The property is located at the southwest corner of Q and 29th Streets, NW. and is improved with a large apartment building (25 units) with two entrances from the street.
- [3] The building has been occupied as an apartment building since 1962 and it now has forty (40) tenants.
- [4] Appellant has a child with a muscular defect which requires special therapy. It is proposed to construct a swimming pool in the basement of the building to help with the therapeutic treatments.
- [5] The pool will be completely interior at the basement level with no outside entrance or exit.
- [6] In order to construct the pool, appellants propose to make some structural changes to the building, namely to remove a family efficiency unit and substitute two iron beams for the partition. The footings would be reinforced in that portion of the building where the pool is located.
- [7] The Citizens Association of Georgetown opposed the granting of this appeal asserting that to grant the appeal would establish a dangerous precedent regarding nonconforming uses and may establish an easy method for extending the apartment house use to other parts of the building.

[8] Section 7106.12 reads as follows:

"Nonconforming structure or portion thereof devoted to a nonconforming use, provided:

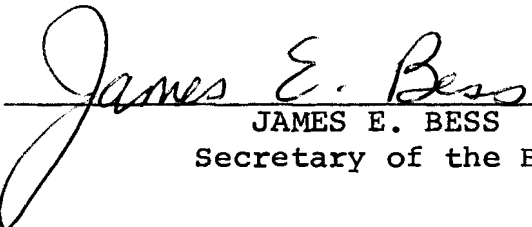
- "(a) No structural alterations are made thereto except those required by other municipal law or regulations;
- "(b) The nonconforming use is not extended except in accordance with Section 7105; and
- "(c) No such repair, alteration, or modernization will increase the degree of nonconformity of such structure."

OPINION:

We are of the opinion that the appellant has failed to prove any hardship within the meaning of the Zoning Regulations which would justify a variance therefrom. Although we sympathize with the position in which appellant finds himself, we do not believe that such reasons can be used to satisfy the requirements of the statute. The property is already a nonconforming use. The regulations specifically forbid any alterations to nonconforming structures. We do not think that it would be consistent with the purpose and intent of the Zoning Regulations to grant such a variance.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 
JAMES E. BESS
Secretary of the Board